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REMARKS

Claims 1-32 are currently pending in the subject application and are presently under consideration. Independent claim 1 has been amended to incorporate the limitations of dependent claims 9 and 10, and independent claim 17 has been amended to incorporate the limitations of dependent claim 25. Claims 1, 17 and 26 have also been amended to cure minor informalities. Applicants' representative notes that the amendments do not necessitate a new search or any undue effort by the Examiner because they do not present new claimed subject matter. It is respectfully requested that such amendments be entered as they represent applicants' efforts to further the prosecution of the subject patent application. In addition, claims 9, 10, 12, 25 and 28 have been canceled herein. Favorable reconsideration of the subject patent application and entry of the amendments is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-7, 9-13, 15-23, 25-29, 31 and 32 Under 35 U.S.C. §103(a)

Claims 1-7, 9-13, 15-23, 25-29, 31 and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Auerbach *et al.* (US 6,549,937). Applicants' representative respectfully requests that this rejection be withdrawn for at least the following reasons. Auerbach *et al.* fails to teach or suggest all limitations of the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) *must teach or suggest all the claim limitations*. See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art and not based on the Applicant's disclosure. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

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The claimed invention relates to a program providing a uniform protocol to different software objects from different third-party vendors. In particular, independent claims 1 and 17 recite similar limitations, namely *at least two object providers each communicating with the server program and one proprietary object to translate between standard object protocol and an associated one of the proprietary object protocols, wherein an interceptor monitors communications between the server program and the object providers and performs at least one of verifying license validity and recording a fee for use of an object.* Auerbach *et al.* is silent regarding such novel aspects of the subject claims.

The cited reference relates to a system that employs a conversion platform that translates the messages entered at a user interface to the unique messaging format supported by one or more service providers. On page 4 of the Final Office Action, the Examiner contends that the claimed limitation of *an interceptor that monitors communications between a server program and object providers and performs at least one of verifying license validity and recording a fee for use of an object* is shown by Auerbach *et al.* However, at the portions indicated by the Examiner, Auerbach *et al.* shows that a user logs on directly to a primary service provider, and if successful, directly logs on to one or more secondary service providers (*i.e.* proprietary providers). See col. 10, lines 30-55. Thus, Auerbach *et al.* verifies user validity directly at the user – service provider level, and nowhere teaches or suggests monitoring communications at the conversion platform level. To the contrary, the invention as claimed monitors communications at the server program – object provider (*e.g.* wherein the object provider is employed to translate between standard object protocol and an associated one of the proprietary object protocols, as claimed) level. Since there is no teaching or suggestion by Auerbach *et al.* of verifying license validity or recording a fee for use of an object at the conversion platform level, the claimed limitation of *monitoring communications between a server program and object providers* would not have been obvious at the time of the invention.

In view of at least the foregoing, it is readily apparent that Auerbach *et al.* fails to teach or suggest each and every limitation set forth in applicants' claims. Accordingly, this rejection with respect to independent claims 1 and 17 (and the claims that depend therefrom) should be withdrawn.

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II. Rejection of Claims 8, 14, 24 and 30 Under 35 U.S.C. §103(a)

Claims 8, 14, 24 and 30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Auerbach *et al.* in view of Williams (US 6,591,272). Withdrawal of this rejection is requested for at least the following reasons. The subject claims depend from independent claims 1 and 17. As discussed *supra* regarding these claims, Auerbach *et al.* fails to disclose or suggest all their limitations. Williams fails to compensate for the deficiencies of Auerbach *et al.* Instead, Williams relates to a system that translates and transmits metadata and data from database tables into familiar and customary objects. Nowhere does the cited reference disclose the claimed limitations of *at least two object providers each communicating with the server program and one proprietary object to translate between standard object protocol and an associated one of the proprietary object protocols, wherein an interceptor monitors communications between the server program and the object providers and performs at least one of verifying license validity and recording a fee for use of an object*, let alone an object based interface for an industrial control system. Accordingly, this rejection should be withdrawn.

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CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP393US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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